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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,294	01/23/2004	Christopher Paul Chambers	016955-0307491	4686
909	7590	08/20/2004	EXAMINER	
PILLSBURY WINTHROP, LLP			LANGDON, EVAN H	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

3654

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,294

Applicant(s)

CHAMBERS, CHRISTOPHER
PAUL

Examiner

Evan H Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on oral restriction 12 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>23 January 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to a guide for a rope or chain, classified in class 254, subclass 383.
- II. Claims 14-16, drawn to a chain holding means, classified in class 464, subclass 49.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are distinct and unrelated inventions because invention II is used to hold links of a chain such that the links are spread and adjacent other parts of links. Invention I has a separate mode of operation in that it guides chain or rope around a chain wheel so as to bias the chain or rope to the chain wheel. The rope used in Invention I would not have the holding means of Invention II and the chain used in Invention I would not require the holding means of Invention II for its use.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Jeffrey Karceski on 12 August 2004 a provisional election was made without traverse to prosecute the invention of I, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not understood how the pressure member is pivotally mounted on the arm. According to claim 5, the biasing means is between the base plate and the arm, so it must be the second arm 64, that carries the pressure member but does not have the pressure member pivotally mounted on it.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bausenbach et al. (US 3,836,123).

In regards to claim 1, Bausenbach discloses a guide for a rope comprising a base plate, an arcuate first arm 76 pivoted 92 to the base plate, an arcuate second arm 74 pivotally connected to the first arm and so as in a rest position to form an acute angle with the first arm, as seen in Figure 3, and biasing means 106, explained in column 4 line 62 to column 5 line 12, between the base plate and the second arm 74.

In regards to claim 2, Bausenbach discloses a the base plate carries a chain wheel 44 and the arms 74, 76 are positioned adjacent the periphery of the chain wheel.

In regards to claim 3, Bausenbach discloses the biasing means comprises a spring 106 connected to the second arm 74 at a position between the pivot points 92 between the base plate and first arm and between the first and second arms.

In regards to claim 4, Bausenbach discloses the second arm carries a pressure member 78.

In regards to claim 5, Bausenbach discloses a guide for a rope or chain comprising a base plate, an arm 74 pivotally mounted on the base plate, biasing means 106 between the base plate and the arm, and a pressure member 78 on the arm.

In regards to claim 6, Bausenbach discloses the pressure member 78 is pivotally 96 mounted on the arm.

In regards to claim 7, Bausenbach discloses the arm 74 is substantially arcuate.

In regards to claim 8, Bausenbach discloses the pressure member 78 is substantially arcuate.

In regards to claim 9, Bausenbach discloses the pressure member is substantially arcuate and the pivot point of the pressure member is adjacent the convex face of the pressure member. Since the pressure member of Bausenbach is round and the pivot is in the center, the pivot point is inherently adjacent both the convex and concave sides of the pressure member.

In regards to claim 10, Bausenbach discloses the base plate carries a chain wheel pair 56, the pivot point of the arm 74 to the base being adjacent the periphery of the chain wheel or wheels.

In regards to claim 12, Bausenbach discloses the biasing means comprises a spring.

In regards to claim 13, Bausenbach discloses a winch including the guide.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl

 8/17/04
EMMANUEL MARCELO
PRIMARY EXAMINER